

SLUP15-01

Special Land Use Permit Application

| | | | | |
|--|--|-----------------------------------|--------|---------------------|
| Applicant | Name: | Our Lady of the Assumption Church | | |
| | Address: | 1350 Hearst Dr | | |
| | Phone: | Fax: | Email: | |
| Property Owner | | 404-261-0181 | | jimdduffy@gmail.com |
| | Owner's Name: | James D Duffy | | |
| | Owner's Address: | Hearst Dr | | |
| Property Information | Phone: | Fax: | Email: | |
| | | 404-261-0181 | | jimdduffy@gmail.com |
| | Property Address: | 1350 Hearst Dr | | Acreage: |
| | Parcel ID: | | | |
| | Current Zoning Classification: | | | |
| Affidavit | Proposed Use of Property: | | | |
| | To the best of my knowledge, this zoning application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Brookhaven Zoning Ordinance. | | | |
| | Applicant's Name: | | | Date: |
| | Applicant's Signature: | | | Date: |
| Notary | Sworn to and subscribed before me this 19 th Day of December, 20 14 | | | |
| | Notary Public: | | | |
| | Signature: | | | |
| | My Commission Expires: | | | |
| <input type="checkbox"/> Application Fee <input type="checkbox"/> Sign Fee (\$135 x number of signs required*) <input type="checkbox"/> Legal Admin Fee \$10 | | | | |

FEE: \$950.00


JOHN OLSON SHUP15-01



Property Owner(s)
Notarized Certification



The owner and petitioner acknowledge that this Land Use Petition application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

| | | | |
|-----------------------------------|---|---------------------------------|-------------------|
| Property Owner (If Applicable) | Signature: <u>[Signature]</u> | Date: _____ | |
| | Address: <u>1350 Hearst Dr</u> | City, State: <u>Atlanta GA</u> | Zip: <u>30319</u> |
| | Phone: <u>404-261-7181</u> | | |
| | Sworn to and subscribed before me this <u>19th</u> day of <u>December</u> , 20 <u>14</u> | | |
| Property Owner (If Applicable) | Notary Public:  | | |
| | Signature: <u>Jessica N. Bass</u> | Date: <u>12-19-14</u> | |
| | Address: <u>3522 Ashford Dunwoody Rd</u> | City, State: <u>Atlanta, GA</u> | Zip: <u>30328</u> |
| | Phone: <u>770-234-0444</u> | | |
| Property Owner (If Applicable) | Sworn to and subscribed before me this _____ day of _____, 20____ | | |
| | Notary Public: _____ | | |
| | Signature: _____ | Date: _____ | |
| | Address: _____ | City, State: _____ | Zip: _____ |
| Property Owner (If Applicable) | Phone: _____ | | |
| | Sworn to and subscribed before me this _____ day of _____, 20____ | | |
| | Notary Public: _____ | | |

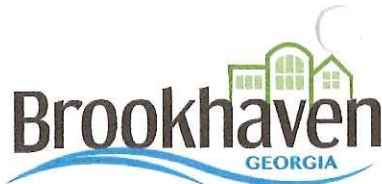


Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council or a member of the City of Brookhaven Planning Commission?

☐ No

If you answered yes above, please complete the following section:

[illegible]



**PRE-APPLICATION FORM
REZONING, SPECIAL LAND USE PERMIT(S) AND
VARIANCE(S)**

Purpose & Process

A Pre-Application Meeting provides you the opportunity to present a conceptual plan and letter of intent to a representative of the Community Development Department. This meeting benefits you, the applicant, by receiving general comments on the feasibility of the plan, the process(es)/procedure(s) and fees required to process and review the application(s). To schedule a meeting contact a member of the Planning and Zoning Department by calling (404) 637 – 0500. This form will be completed during the pre-application meeting, and must be submitted at the same time you submit your application.

Applicant: Our Lady of the Assumption Church

Site Address: 1350 Hearst Dr Parcel Size: _____

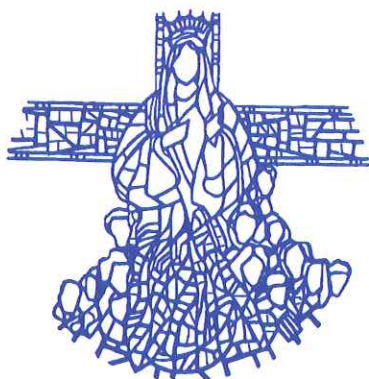
Proposal Description: Construct a Columbarium
within the Gardens of Memory area

Existing Zoning Designation and Case Number: _____

Proposed Zoning Designation: _____

Comprehensive Land Use Map Designation: _____

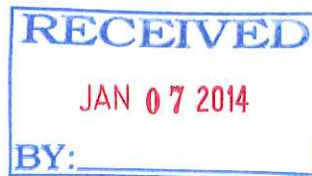
Planner: P. Ruffin Date: _____



Our Lady of the Assumption Church

1350 Hearst Drive, N.E.
Atlanta, Georgia 30319-2711

PHONE (404) 261-7181
FAX (404) 364-1913



Neighbor
Hearst Drive
Brookhaven, Ga. 30319

Dear Neighbor,

This letter is to inform you that Our Lady of the Assumption Church is in the planning process to build a Columbarium to hold the cremated remains of the departed. The Columbarium will be located within the Garden of Memory.

We will hold a public meeting on January 22, 2015 in Molyan Hall at 6:00 pm for anyone seeking information or questions concerning the Columbarium.

Thank you for your assistance concerning this matter.

God bless,

Fr. James D. Duffy S.M.
Pastor

Environment Site Analysis
OLA Columbarium



1. The project is to build four additional brink walls within the Garden of Memories to hold prefabricated Niches. The Columbarium will not add additional non-pervious surface.

The Garden of Memories (Future Columbarium) is located adjacent to the church.

The project conforms to the Comprehensive Land Use Plan as noted on the original "As Built" plans, Future Columbarium.

2.
 - a. There are no wetlands and area is not in a floodplain.
 - b. Water runoff will follow the same plan at the now present Garden of Memories.
 - c. No streams in area.
 - d. No slopes exceeding 25 percent over a 10 foot rise in elevation.
 - e. No Natural vegetation will be disturbed.
 - f. No wildlife in area of construction.
 - g. No historic history of area.
3. Project Implementation Measure
 - a. Contractor will install a slit fence around area of construction.
 - b. All unused building material will be placed in a dumpster for proper disposal.
 - c. No negative impacts on existing infrastructure.
 - d. No archeological/historically impact of the area.
 - e. No environmentally stressed communities are located in the area of construction.
 - f. Shrubs and flowers will be planted in the area at the base of each wall.
 - g. Minimization of impacts to wildlife habitats will be enforced.

EXHIBIT C

PROPERTY



ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 276, 277 and 302 of the 18th District, DeKalb County, Georgia, and being more particularly described in the conveyance set out below:

1. Deed from Etheridge & Vanneman, Inc. to Gerald P. O'Hara, as Bishop of the Diocese of Savannah-Atlanta, dated April 3, 1951, and recorded at Deed Book 870, page 424, DeKalb County, Georgia Records.

RECEIVED

JAN 07 2014

BY:

Title No. D-8107

GEORGIA)

FULTON COUNTY)

THIS INDENTURE, Made this 3rd day of April, in the Year of Our Lord One Thousand Nine Hundred and Fifty-one, between ETHEL & VANNEGAN, INC., a Corporation of the State of Georgia, of the first part, and GERALD P. O'HARA, as Bishop of the Diocese of Savannah-Atlanta, of the second part,

WITNESSETH THAT:

The said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS AND OTHER VALUABLE CONSIDERATIONS, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the party of the second part, his successors and assigns, the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lots 276, 277, and 302, of the 18th District of DeKalb County, Georgia, more particularly described as follows:

The land hereby conveyed is within the large area known as Oglethorpe Estates and is all of the land embraced within and entirely surrounded by a street sixty (60) feet in width known as Hearst Drive, which Drive is circular in form, although not a true circle. In said Oglethorpe Estates there is a well established street eighty (80) feet in width known as Lanier Drive which runs approximately north and south. The north end of Lanier Drive intersects the southern line of Hearst Drive.

The tract hereby conveyed, which is wholly within the circle formed by Hearst Drive, is further described as follows:

If a line running north and south along the center of Lanier Drive were extended from the north end of Lanier Drive due north sixty (60) feet across Hearst Drive, it would hit an iron pin on the inside line of Hearst Drive, which is taken as a point of beginning for the description of the tract embraced within the circle formed by Hearst Drive. From said beginning point the inside line of Hearst Drive runs easterly and thence northeasterly along the southeast leg of Hearst Drive five hundred sixty-six (566) feet to the point where the inside line of the southeast leg of Hearst Drive would intersect the inside line of the northeast leg of Hearst Drive if said inside street lines were extended at the said intersection to form an angle instead of a curve; thence along the inside line of the northeast leg of Hearst Drive and along a series of iron pins on the street line in a northwesterly direction to the point where Hearst Drive at its northernmost point curves southwesterly, and continuing to follow the inside line of Hearst Drive along the curve in a southwesterly direction to an iron pin a total distance of nine hundred twenty-eight (928) feet from the last mentioned call, which iron pin is just north of the south line of Land Lot 302; thence continuing along the curve of the inside line of Hearst Drive across the dividing line between Land Lots 302 and 276 in a southwesterly direction to the westernmost portion of Hearst Drive where it curves southeasterly and continuing along the inside line of the southwest leg of Hearst Drive, along a series of iron pins located on said line, to the point where Hearst Drive curves east, and continuing along the inside line of Hearst Drive easterly to the iron pin at the point of beginning, the last mentioned call being a total distance of nine hundred (900) feet.

Most of the tract hereby conveyed is in Land Lot 276 and in the northeast portion of said Land Lot, but it does extend into the western part of Land Lot 277 and into the southern part of Land Lot 302.

RECEIVED

JAN 07 2014

The land embraced within the circle formed by Hearst Drive and hereby conveyed is further described and identified in a plat of survey attached to and constituting a part of a deed of even date herewith from Oglethorpe University to Etheridge & Vanneman, a Partnership.

870/425

Title to the above described tract embraced within the circle of Hearst Drive is conveyed subject to the following restrictive covenants:

1. No temporary structure of any kind, other than such structures as may be necessary for the storage of tools and materials during the construction of a permanent structure, shall be erected or maintained on the property.
2. No permanent structures shall be erected or maintained on the property other than a Parochial School, a church or cathedral and buildings accessory to such structures, including a rectory, convent and church school.
3. Party of the second part shall provide and maintain proper and adequate sewage facilities and sewer disposal system for the property so as to at all times protect from pollution or contamination the lake on the adjacent property of Oglethorpe Estates, known as Lake Phoebe.

Party of the second part understands and agrees that it will not, as the owner of the above described property, have or acquire any rights in or to Lake Phoebe or the parks adjacent thereto, except such rights as may be accorded by Oglethorpe University, and that it will abide by and assist in the enforcement of such rules and regulations respecting the use of the lake and park property as may be, from time to time, promulgated by Oglethorpe University.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said party of the second part, his successors and assigns, forever, in Fee Simple.

AND THE SAID party of the first part, for itself, its successors and assigns, will warrant and forever defend the right and title to the above described property, unto the said party of the second part, his successors and assigns, against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal, the day and year above written.

ETHERIDGE & VANNEMAN, INC.

By: *Charles Vanneman* (Seal)
Executive Vice-President

By: *Samuel B. Jackson* Secy.

Signed, sealed and delivered in the presence of:

Gordon F. Whitwell

Morris V. Guter

Notary Public, Georgia, State at Large
Commission Issued in Fulton County
My Commission Expires August 22, 1954



Filed for Record April 6th, 1951 at 9 o'clock A. M.,
Recorded April 12th, 1951.
B. B. Buzen Clerk.